IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5180 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ESTATE OFFICER

Versus

REKHABEN GANGDAS

Appearance:

1. Special Civil Application No. 5180 of 1990

MR PAHVA for MR PM THAKKAR for Petitioner No. 1

NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 05/12/2001

ORAL JUDGEMENT

1. Mr. Navin Pahwa, learned Advocate appearing for the petitioner, submitted that the land bearing Survey No. 448/2, Jaganath Plot, Rajkot, is already sold to the

legal heirs of respondent, that is, Rekhaben Gangdas. Therefore, the present petition has become infructuous.

2. Mr. Pahwa, learned Advocate for the petitioner, submitted that the observations made by the learned Assistant Judge Rajkot, in Civil Miscellaneous Appeal No. 48 of 1990 in his judgement and order dated 30th April, 1990, be qualified to the extent that the said observations are on the facts of that particular case and have no general application. The request though appear to be just and proper, on perusal of the observations made in paragraph 8, the Court finds that the learned Assistant Judge, Rajkot, has in so many words said that, "In view of all these facts and circumstances of the case, I am of the view that the learned Competent Officer clearly erred in rejecting the application filed by the appellant". In view of this clear observation, namely, "In view of all these facts and circumstances of the case", no further clarification is required to be made.

This petition is accordingly disposed of as having become infructuous. Rule is discharged. No order as to costs.

(Ravi R. Tripathi, J.)
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